

Multidisciplinary Protocol for Investigation of Suspected Child Abuse in Coconino County

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Developed by the Coconino County Interagency Council

Table of Contents

I. Statement of Purpose	2
II. Agencies Participating in Investigative Protocol	2
III. General Guidelines	3
A. Definitions	3
B. Procedures for Joint Investigations.....	3
C. InterAgency Notification	4
D. Guidelines for First Responders	5
IV. Protocols	
A. Law Enforcement	5
B. Child Protection.....	7
C. Medical Forensic	8
D. Forensic Interview.....	13
E. Mandated Reporters.....	14
a) Educators.....	15
b) Mental Health Providers.....	17
F. Victim Witness Services.....	19
G. County Attorney.....	22
H. Mental Health.....	28
I. Unexplained Infant Death	29
J. Drug Endangered Child (DEC).....	32
K. Training.....	32
L. Case Review.....	32
M. Protocol Compliance.....	33
N.. Case Tracking.....	33
O. Annual Report.....	34
P. Dispute Resolution	35
Q. ICWA Compliance.....	35

APPENDICES

I. Statement of Purpose

Coconino County hopes to assist children affected by abuse or neglect. We believe the best assistance to victimized children at this time in our County is judicial advocacy. The joint efforts of law enforcement, child protective services, medical, behavioral health and victim advocacy services can significantly reduce the secondary victimization experienced by many children and their families when these systems intervene after a suspected crime has occurred. Joint efforts can also enhance the effectiveness of a judicial response by allowing for a more complete, richer investigation.

II. Agencies Participating in InterAgency Protocol

Alternatives Center for Family Based Services
ChildhelpUSA
Coconino Coalition for Children
Coconino County Attorney's Office
Coconino County Sheriff's Department
DES – Child Protective Services
Federal Bureau of Investigation
Flagstaff Medical Center Behavioral Health Department
Flagstaff Police Department
Flagstaff Unified School District
Grand Canyon Unified School District
The Guidance Center
National Park Service
Northern Arizona University Police Department
Northland Family Help Center
Page Police Department
Safe Child Center at Flagstaff Medical Center
Victim Witness Services for Coconino County
Williams Police Department
Williams Unified School District

This document was created with the support and technical assistance of the Arizona Children's Justice Task Force. Coconino County is grateful for their ongoing support.

We also acknowledge other Arizona Counties for sharing segments of their protocols with us and allowing us to incorporate material into our own.

III. General Guidelines

A joint investigation is required in response to any report of Extremely Serious Conduct Allegations (ESCA) that occurs in Coconino County. The role of Child Protective Services (CPS) is to assure the safety of the child. The role of law enforcement (LE) is to investigate a criminal allegation. Supporting agencies, such as Safe Child Center (SCC) and Northern Arizona Center Against Sexual Assault (NACASA) assist with gathering data and providing children with a neutral, child-friendly environment in which to tell their experiences, be examined, and receive information about services which might be helpful to them and their families. Victim Witness Services (V/WS) is dedicated to delivering crisis intervention, advocacy services and victim compensation to victims of crime. The County Attorney's Office (CCAO) mission is to prosecute crimes against children.

A. Definitions

Extremely Serious Conduct Allegation (ESCA) is defined as:

ARS 13-3623 – Child Abuse

13-3601 felony–Domestic Violence

13-1404 – Sexual Abuse (involving a minor)

13-1405 – Sexual Conduct with a Minor

13-1406 – Sexual Assault (involving a minor)

13-1410 – Molestation of a Child

13-1417 – Continuous Sexual Abuse of a Child

any other act of abuse which may result in serious harm, injury or death to a child

- Indecent Exposure to a person under the age of 15 (13-3506)
- Public Sexual Indecency to a Minor (13-1403)
- Surreptitious photographing, videotaping, filming or digitally recording (13-3019)
- Child Prostitution (13-3212)
- Furnishing harmful items to minors (13-3506)
- Commercial Sexual Exploitation of a Minor (13-3552)
- Sexual exploitation of a minor (13-3553)
- Admitting Minor to public displays of sexual conduct (13-3556)
- Duty to Report Abuse (13-3620)

B. Process for Joint Investigations

1. Each agency shall respect the response times and systems of the other agencies. (See Appendix G)
2. Each agency shall respond in a manner that preserves evidence, protects the victim and non-offending family and/or witnesses.

3. If there is a disagreement on response, contact the appropriate supervisor of the agency with whom you disagree. Utilize the "chain of command". Be prepared to identify issues and cite relevant statutory or policy conflicts.
4. Relevant information will be shared between agencies throughout the course of the investigation. Reporting Party identification is not legally allowed to be disclosed by CPS.
5. CPS and Law Enforcement shall document in their reports that this is a joint investigation.
6. CPS and Law Enforcement investigators shall monitor and/or participate in forensic interviews conducted by their counterparts whenever possible. If this is not possible, video and audiotapes of the interview shall be made available to the primary investigator by Safe Child, or the agency that did the interview.
7. CPS and law enforcement shall work in consultation with each other throughout the course of the investigation, prosecution and civil processes.
8. Documented consultation/collaboration between agencies (including Safe Child and NACASA) is recommended for case planning.

C. Interagency Notification

1. If the report of an ESCA has been made to CPS, CPS shall immediately notify a law enforcement representative from the appropriate jurisdiction. (See Appendix R for Contact Information) If the report is first made to law enforcement, law enforcement shall immediately notify the **CPS Hotline designated for Law Enforcement: 877-238-4501** and may also notify a representative from CPS in the proper local office. This notification shall be made to the representative in a manner that assures receipt (verbal relay of information rather than written, phone message or email). Fax or email messaging is recommended as backup confirmation. It is recommended that the agencies notify each other prior to responding to the circumstance, thereby permitting an agreed upon and coordinated response. It is understood that exigent circumstances may require an expedited response to protect the safety of a victim, non-offending family member or witness.
2. CPS should contact the appropriate LE agency and notify that this is a joint investigation that requires a law enforcement response. This does not preclude a CPS professional from directly contacting an investigator.

3. LE will contact the CPS HOTLINE using the law enforcement designated phone number (877-238-4501). The law enforcement professional may also notify a representative from CPS in the proper local office.

4. Mandated reporters of ESCA from allied professional agencies are required to contact either Child Protective Services and/or Law Enforcement when making a report of suspected abuse/neglect. Please refer to Mandated Reporter (Section V) for more information.

D. Guidelines for First Responders

In order to minimize further trauma and to enhance the fact-gathering process of the investigation, first responders should limit their questioning of the child victim to "minimal facts":

- What happened?
- When did it happen?
- Where did it happen?
- Who did this?

Additional questioning of parents, siblings, or other collateral witnesses may be necessary. Communication with respective supervisors or with the on-call deputy county attorney may also be indicated.

The first responders should follow their respective agency policy regarding further action, such as a medical forensic examination and forensic videotaped interview. Refer to the First Responder Checklist (APPENDIX B)

IV. Protocols

A. Law Enforcement

The purpose of law enforcement's response to incidents of physical and sexual abuse involving children is to determine if a crime has been committed and to bring to light those facts and circumstances necessary to bring the perpetrators into the criminal justice system. While pursuing the criminal investigation, law enforcement must be concerned with more than just statutory requirements and case law. Personnel must recognize the needs of the victim, as well as the responsibilities of other organizations involved in the protection, treatment, support and recovery of the victim.

Consequently, law enforcement shall coordinate their efforts with those of Child Protection and the prosecuting agency. During an investigation, CPS and law enforcement should share relevant information, as soon as possible, maintain on-going contact and monitor and/or participate in forensic interviews. Law enforcement shall remain mindful of response timelines which CPS is mandated to follow (see APPENDIX G).

As stated above in General Guidelines, notification between law enforcement and CPS shall occur in such a way as to ensure information has been received. The law enforcement officer is responsible for determining whether or not a criminal investigative response will be initiated.

In Coconino County, there are two advocacy centers designed to provide "one stop" for the investigation process: the Safe Child Center (SCC) located at Flagstaff Medical Center, serves children from birth to 18 and, in certain instances, developmentally disabled young adults; and the Northern Arizona Center Against Sexual Assault (NACASA) which serves victims 16 and older. Videotaped interviews can be conducted by investigators or child forensic interviewers; and medical exams are completed by health care providers with specialized training and knowledge. Victims respond best in a child-friendly, "soft" environment in which all disciplines can come together as a team to provide professional, efficient care and referrals to the victim and his/her family.

It is recommended that law enforcement utilize the Safe Child Center for the investigation of cases of sexual and physical abuse in children and NACASA for sexual abuse victims age 16 and older.

Law enforcement should notify Victim/Witness advocates upon report of a child crime. Options for notifying V/WS include:

1. Request dispatch page a crisis advocate to respond;
2. During office hours- call 928-779-6163 (Monday-Friday 8am-5pm).

Immediately upon report, the Victim Request For, Or Waiver Of, Pre-Conviction And/Or Pre-Adjudication Rights form shall be forwarded to Victim/Witness Services. (5200 E Cortland Blvd. Suite B-5, Flagstaff, AZ 86004 FAX: 214-8775)

Specific Issues for Child Physical Abuse/Neglect:

- Photographs shall be taken either by a law enforcement officer or SCC medical staff, when possible.
- Remember some bruising may be more prominent the day after the injury occurs. Photos shall include a ruler and color bar.

Specific Issues for Child Sexual Assault:

- A sexual assault kit may be considered at NACASA in child victims age 16 and older if an assault occurred within 96 hours of the report and there is a chance of finding biological evidence.
- A sexual assault kit may be considered at Safe Child Center if an assault occurred within 96 hours of the report and there is a chance of finding biological evidence. Each case will be considered individually based on the age of the child and the circumstances of the event.

Every ESCA case shall be submitted to the County Attorney's Office for review for criminal charges and for case tracking purposes. (see APPENDIX I)

B. Child Protective Services

The primary purpose of Child Protective Services (CPS) is to protect children by investigating allegations of abuse and neglect, promoting the well being of the child in a permanent home, coordinating services to strengthen the family and prevent, intervene and treat abuse and neglect. CPS is primarily responsible for investigating in-home allegations of any act, failure to act, or pattern of behavior on the part of a parent, guardian, or custodian that may result in compromising the safety and well being of the alleged child victim.

The Arizona Department of Economic Security (ADES) is required, by law, to receive reports of child neglect and/or abuse 24 hours/day, 7 days/week and to initiate prompt investigation. CPS Specialists at the CPS Hotline, receive telephone calls at **1-888-767-2445** or TDD 1-800-530-1831 and written reports at P.O. Box 44240, Phoenix, AZ 85064-4240. These specialists screen incoming communications by using "cue questions" (see APPENDIX F). If the communication meets the definition of a report, then the report is given a priority. The report is sent to a field Supervisor who then assigns the report to a CPS Specialist to conduct the investigation. The CPS Response System (also APPENDIX G) guides the specialist regarding timelines and decision-making.

CPS actions rarely result in removal of children from the home. When there are safety concerns, CPS attempts to engage the family to the greatest extent possible in planning for voluntary interventions. After assessing the strengths and risks present in the family, CPS creates a safety plan and after care plan with the family which may include coordination with community and multidisciplinary team members and referrals to services.

When children are found to be in imminent harm, or there is no parent/guardian able or willing to provide care for the child, CPS and law enforcement have the authority to remove them from their home for up to 72 hours, excluding weekends

or holidays. CPS may also remove a child for up to 12 hours to obtain a medical exam, psychological evaluation and/or forensic interview in order to make a determination if maltreatment has occurred. If CPS cannot ensure the safety of the child in the home within that 72 hours time allotted, then a dependency petition is filed with the Coconino County Juvenile Court. The judge has the final decision on making the child a ward of the court through this process. A case plan is developed with the family to assist with either reunification and/or permanency for the child.

In Coconino County, CPS Specialists will coordinate their investigation with law enforcement, sharing relevant information, monitoring and participating in forensic interviews. This will be clearly documented in reports. High Priority or High Risk reports shall be handled with joint law enforcement/CPS investigations where the safety of the child has not been ensured. Other CPS reports may be handled jointly when requested by either agency.

In instances of ESCA, (when allegations, if deemed true, would constitute a felony), CPS and law enforcement will jointly investigate and document their coordination efforts. In the course of investigating a report not alleging current danger, if the CPS Specialist discovers evidence of an ESCA, he/she shall contact immediately the appropriate law enforcement supervisor having jurisdiction or call 911.

When law enforcement does not have sufficient personnel to respond, or a joint interview is otherwise not feasible, CPS may continue to conduct the investigation. CPS should contact the law enforcement agency by telephone or email within 24 hours of determining the outcome. CPS shall make available to law enforcement, upon request, all notes, reports, photographs, and medical records, including all previous CPS contacts regarding the child.

Records from CPS are available to law enforcement and prosecuting agencies, upon request, including a summary of all previous CPS reports concerning the child, family, or perpetrator, whether substantiated or not. When CPS records are provided to law enforcement or prosecution, only the following shall be redacted: Reporting Source, Identifying information of foster parents; Residence or school addresses of victims; Attorney-client privileged material.

Interviews of the child and/or family members will be conducted in accordance with CPS policies and procedures.

C. Medical Forensic Exams

Medical forensic evaluations are an integral component of the child abuse investigation. Examinations should be conducted by highly trained and qualified

pediatric medical practitioners with special expertise in child abuse evaluation. Such practitioners are expected to conduct a complete medical history and physical examination with special attention given to signs and symptoms of abuse. Expertise is necessary in identifying medical conditions that may be mistaken for abuse. Practitioners are also expected to be willing and competent in providing expert testimony in judicial proceedings.

The investigators should consult with the medical providers in all cases of suspected ESCA. The facts of each ESCA will be collaboratively reviewed to assure that necessary and appropriate medical evaluation is performed in a timely manner.

A. Purpose of the medical forensic evaluation

1. To ensure the overall well-being, health, and safety of the child through:
 - a. Providing necessary medical treatment for health conditions
 - b. Reassuring the child and non-offending parent/caretaker about bodily concerns
 - c. Identifying, preserving, and documenting forensically significant findings
2. Avoiding multiple medical evaluations
 - a. It is essential that multiple medical examinations are avoided. Multiple medical examinations can be avoided by contacting medical forensic professionals very early in the investigation and coordinating the appointment with team members. The Safe Child Center and NACASA have the necessary equipment (colposcope and high quality digital cameras) along with trained medical experts who can identify, interpret, and document concerning physical findings. Repeated examination incurs unnecessary costs, can be traumatizing to the child, threatens the integrity of possible physical evidence, can lead to inadvertent contamination of the child's story, may delay appropriate medical treatment, and can lead to discrepancies in the medical record about potential physical findings. For these reasons and others, it is highly recommended that suspected child abuse victims are evaluated at an advocacy center such as Safe Child or NACASA.
3. Team Approach